

Remarks:

Claims 1-15 are presented for Examiner Anderson's consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested. The Examiner should note that claims 1 and 11 have been amended to describe the specific pulp types in the various absorbent composite layers. Claim 5 has been amended to specify where the colorant is added within the absorbent composite.

By way of the Office Action, Examiner Anderson rejected claims 1-3 and 5-14 under 35 USC 103(a) as being unpatentable over DiPalma et al. (5,649,916) in view of Dragoo et al. (5,460,622). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims for the following reasons.

The current application claim 1 is directed to a separate absorbent composite located between a backsheet and a topsheet wherein the composite absorbent material includes two different pulp types in the layers. It is respectfully submitted that such construction is neither taught or suggested by the DiPalma or Dragoo reference, or the combination of such. Support for such amendment may be found at least on page 13, lines 13-15 and the Table on page 16. Applicants respectfully submit that the DiPalma reference describes the use of a three layered (or more) absorbent core. The top layer is desirably a bicomponent spunbond with no pulp described. Alternatively, the top layer may be of polyester and bicomponent binder fibers. The second layer is a hydrophilic material, desirably coform (mixture of pulp and synthetic fiber), and the bottom layer is desirably melt blown with no pulp described. The DiPalma reference **does not** describe a material with two different pulps in a structure as claimed.

The Dragoo reference describes the use of two or three layers as an absorbent core and lists a group of materials that can be used in the core. Further, the Examiner has asserted that the Dragoo reference stands for the proposition that pulp and polyester fibers are art-recognized equivalents. Applicants would respectfully assert that one of these materials (polyester) is a synthetic material and one is naturally occurring. One is hydrophilic and one is not. One of the materials has a melting point and the other burns. Therefore, the two materials cannot be art recognized equivalents for all purposes. Further the Dragoo reference does not describe the use of two different pulps in the arrangement claimed. Applicants would therefore submit that the Examiner has not demonstrated a *prima facie* case of obviousness (as the two references in

combination do not teach the claimed invention), or that for the purposes of the current Application such “art-recognized equivalent reasoning” is appropriate. This is especially true in light of the Application text describing pulp distinctions at pages 13, 14 and 16. Clearly the decision to choose different pulps was not an arbitrary one. Applicants therefore request that the rejection be withdrawn.

With regard to the Examiner’s rejections of claims 5-10, for the reasons stated above, Applicants would submit that since claims 5-10 depend from a novel and nonobvious base claim, such other claims would be similarly novel and nonobvious (and therefore) allowable. Additionally, claim 5 has been further amended to include the addition of colorant to the binder fibers. Such addition of colorant is described in the Specification at page 15, lines 8-10, and page 14, lines 1-6.

The Examiner has asserted that the DiPalma reference discloses all of the aspects of claim 11 and claims 12-13 depending therefrom. At least for the reasons that the DiPalma reference and the combination of DiPalma with Dragoo, fails to teach or suggest the claimed combination including two different pulps, such reference could not serve as the basis for a 35 U.S.C. 103(a) rejection. Further, claim 14 currently requires use of an airlaying process to make the absorbent composite (a two layered material). The Examiner has cited col. 5, line 34 and col. 6, line 14 for the proposition that composite 16 is made by an airlaying process. It should be noted that col. 5, line 34, refers to carded webs, and in particular through-air bonded carded webs, as opposed to airlayed (air deposited) webs. Col. 6, line 14 refers to the second absorbent member 20, and describes the use of coformed materials.

By way of the same Office Action, the Examiner has rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over DiPalma et al. in view of Dragoo et al., and further in view of Arteman et al. This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim for the following reasons. At least for the reasons described above, the combination of references fails to teach a structure including absorbent composite layers with distinct pulp types. Such rejection should therefore be withdrawn.

Finally, also by way of the same Office Action, the Examiner rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over DiPalma et al. in view of Dragoo et al., and further in view of Sun et al. (6,322,665). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim for the following reasons. As previously described, the cited references fail to provide a *prima facie* case of obviousness for at least the reason that they fail to describe a composite structure having the distinctive components. The Examiner has cited the Sun reference for the proposition that debonders can be added to a web to result in a stronger web. The

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specific column reference cited by the Examiner does not appear to relate to debonders themselves. An examination of the remainder of the patent also failed to reveal a disclosure of the multiple pulp types in the structure claimed. For at least these reasons, Applicants would assert that the rejection should be withdrawn.

An RCE and a Petition for a Two Month Extension of Time has been filed contemporaneously with this action, extending the time to respond to June 14, 2004. For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. However, should the Examiner feel that issues remain unresolved, she is encouraged to call the undersigned at (770) 587-8646.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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